

May 17, 2004

Hon. Reginald C. Lindsay
United States District Court
District of Massachusetts
1 Courthouse Way
Boston, MA 02210

RE: Karamjeet S PAUL v David L WINN
Civil Action No. 04-40037-RCL

Dear Judge Lindsay:

Respectfully, I am taking this unusual step to write directly to you in relation to my time-sensitive, habeas corpus, 28 USC § 2241 Petition, as being a prisoner and a pro se petitioner my ability to communicate and follow up with the Court is severely limited.

I thank you for promptly issuing a show-cause order on 3/17/04. You directed the Clerk to serve the papers. Unfortunately, 60 days later that's where things stand right now, as I am told that - contrary to the provisions of 28 USC § 2243 for promptness -- your order has not been served on any parties, and the process is no further along than it was on 3/17/04. In addition, the order - I can only assume inadvertently (as I am a U.S. citizen) -- directed service upon the Immigration and Naturalization Service and not on the Respondent David L Winn, Warden, FMC Devens.

On 3/23/04, with a copy served on the U.S. Attorney's office, I filed a Motion to Modify the 3/17/04 Order, requesting that in addition to replacing the INS with David L Winn, Warden, FMC Devens, the time to respond be shortened to 20 days as provided by 28 USC § 2243 because of the time-sensitive nature of the relief I am seeking. My Petition raises the same issues of law as have been raised in approximately six other cases within the last 16 months in this district, all of which have been defended

by the U.S. Attorney's office, and consequently that office is very experienced in filing responsive pleadings to petitions of this type. I am told that the Court has not yet acted on this Motion.

Your Honor, my habeas corpus Petition is time-sensitive, as after August 11, 2004 even the full implemantation of any favorable court decision begins to diminish in terms of the relief being sought, and by December 14, 2004 any outcome becomes moot. August 11, 2004 is the critical date in relation to my Petition because under the old practice and policy I would be eligible for transfer to a ccc on that date. My Petition seeks an injunctive relief against the new policy which would delay my ccc transfer until a newly-designated date of December 14, 2004. For reasons outlined in the Petition, I believe the new policy is erroneous and invalid. Hence, I believe, under our justice system it will be grossly unfair if my Petition becomes moot because of the passage of time rather than being denied on merits.

Therefore, I request you to review and take action on my Motion to Modify the 3/17/04 Order to name the Warden instead of the INS and limit the government's response time to "... not exceeding twenty days..." as per 28 USC §2243. In addition, I request you to direct the Clerk to serve the Order and my Petition expeditiously to the Respondents.

Your Honor, I understand the Court's heavy workload, but I respectfully request your attention as soon as possible because of the time-sensitive issues involved. Thank you.

Respectfully,

K S Paul

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cc: U.S. Attorney's Office

✓ Clerk to the Hon. Reginald C. Lindsay